



CITY OF LODI

COUNCIL COMMUNICATION

AGENDA TITLE: Recommendation from the Contamination Advisory Committee Regarding the Issuance of Subpoenas

MEETING DATE: May 7, 1997

PREPARED BY: City Attorney

RECOMMENDATION: That the City Council authorize the issuance of subpoenas based upon the recommendation of the Contamination Advisory Committee.

BACKGROUND: By Resolution No. 97-09, adopted by the City Council on January 15, 1997, the Council established a legislative proceeding to investigate the adequacy of existing legislative environmental schemes, and to take such action including legislation at the municipal level and recommendations to the appropriate state or federal legislative bodies, as the City Council deems appropriate. Additionally, there was established an advisory committee of the City Council consisting of two Council members to investigate the toxic environmental contamination found principally in the central business district and peripheral commercial and residential areas of the community. The advisory committee consists of Mayor Pennino and Mayor Pro Tempore Sieglock. One of the functions of the committee is to investigate potential methods to finance the abatement of the contamination. Under provisions found in §37104 of the California Government Code, subpoenas may be issued in order to acquire information in order to make the investigation of the problem meaningful.

The Contamination Advisory Committee met on April 22, 1997. Based upon that meeting, the committee recommends to the City Council that it authorize the issuance of subpoenas to Connecticut Indemnity Insurance Company, Fireman's Fund Insurance Company, General Insurance Company of America, Industrial Indemnity Company, Insurance Company of North America, Prudential LMI Commercial Insurance Company, and Safeco Insurance Company of America. The committee has determined that these companies have in the past provided insurance coverages to various potentially responsible parties within the City of Lodi. This determination was made based upon a review of a list of insurance carriers provided by Lori Gualco, Counsel to Guild Cleaners. Ms. Gualco has as well been provided an advanced copy of the subpoenas. The information that can be gathered under the subpoena process will be useful in determining the extent of the coverages provided by those companies. Determining the level of coverage is important so that we may be able to develop an understanding of the extent of funds available to be utilized in the proposed cleanup activities.

FUNDING: Not applicable.

Respectfully submitted,

Randall A. Hays, City Attorney

APPROVED: _____

H. Dixon Flynn -- City Manager